

Message Text

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FM AMEMBASSY SAIGON

TO SECSTATE WASHDC 3253

UNCLAS SAIGON 2398

E.O. 11652: N/A

TAGS: OREP VS CB

SUBJECT: CODEL MCCLOSKEY - CASE OF 19 DETAINED JOURNALISTS

1. DURING RECENT VISIT REPRESENTATIVE MCCLOSKEY HAD SEVERAL DISCUSSIONS OF THE LEGAL RIGHTS OF THE 19 JOURNALISTS DETAINED ON COMMUNIST CHARGES. IN PARA 2 BELOW IS AN OPINION GIVEN TO REPRESENTATIVE MCCLOSKEY BY FORMER SENATOR NGUYEN VAN NGAI, PROMINENT SAIGON LAWYER AND FORMER MINISTER OF RURAL DEVELOPMENT.

2. QTE: ACCORDING TO OUR CONSTITUTION AND OUR LAWS, THOSE WHO WORK FOR THE COMMUNISTS SHOULD BE ARRESTED: SO THE ARREST OF THE 19 JOURNALISTS CAN BE JUSTIFIED.

3. ACCORDING TO OUR CRIMINAL CODE PROCEDURE, THE PERIOD OF TEMPORARY ARREST CAN BE PROLONGED FOR MORE THAN 7 DAYS IF THE CASE IS NATIONAL SECURITY OFFENSE: SO THE EXTENSION OF THE TEMPORARY ARREST OVER SEVEN DAYS CAN BE JUSTIFIED.

4. ACCORDING TO OUR CONSTITUTION AND OUR CRIMINAL CODE PROCEDURE, THE ACCUSED HAS THE RIGHT TO A DEFENSE ATTORNEY-AT-LAW FOR COUNSEL IN EVERYPHASE OF THE INVESTIGATION: AS FOR THE CASE OF THE 19 JOURNALISTS, THEY HAVE NOT ASKED FOR THIS RIGHT: IF THEY WANT, THEY CAN BE ASSISTED BY THE ATTENDANCE OF THE DEFENSE ATTORNEY-AT-LAW. IN ORDER TO ATTEND THE INVESTIGATION, THE ATTORNEY-AT-LAW SHOULD SUBMIT A LEGAL LETTER TO REPRESENTATION FOR COUNSEL AT THE JUDICIAL POLICE. IF THE JUDICIAL POLICE REFUSES TO COMPLY WITH THAT LAW, THE ATTORNEY-AT-LAW CAN BRING THE CASE BEFORE THE COURT. IN THIS CASE, THE ATTORNEY-AT-LAW HAS NOT SUBMITTED THE LETTER OF REPRESENTATION AND
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HAS NOT RAISED THE PROBLEM BEFORE THE COURT. UNQTE

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